

REMARKS

This Amendment is being filed in response to the Office Action mailed on July 25, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, claims 3 and 13 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the Examiner, and in the interest of advancing prosecution, claims 3 and 13 have been amended to remove the alleged informality noted by the Examiner. It is respectfully submitted that the rejection of claims 3 and 13 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-8 and 11-32 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,894,965 (Furumiya). Further, claims 9-10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Furumiya in view of U.S. Patent No. 6,456,584 (Nagata). It is respectfully submitted that claims 1-32 are patentable over Furumiya and Nagata for at

least the following reasons.

Furumiya is directed to a method for recording/reproducing data. As specifically recited on column 20, lines 26-28, "FIG. 8a illustrates recording pulses 810 and 811 respectively for recording a long mark and a shortest mark." (Emphasis added) That is, contrary to the allegation on page 3, line 7, of the Office Action, pulse 810 is NOT an erase pulse, but is rather a recording or a write pulse for recording or writing the long mark 820.

Furumiya is silent about any erase pulses. Assuming, arguendo, that pulses during space 812 (between the two successive marks 820, 821 of FIG 8B) are erase pulses, such so-called 'erase' pulses have three levels, 805, 806 and 802, as shown in FIG 8E. As clearly shown in FIG 8E, the three so-called 'erase' levels are increasing; that is the second pulse 806 is higher than the first pulse 805, and the third pulse 802 is higher than the second pulse 806.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 11, 14, 19, 22, 25, 27, 29 and 31, amongst other patentable elements, recites (illustrative emphasis provided):

wherein said erase radiation beam between two successive sequences of pulses for writing marks consists of three erase periods, wherein said erase radiation beam has a first erase power level for a first erase period followed by a second erase power level higher than said first erase power level for a second erase period followed by a third erase power level lower than said first erase power level for a third erase period.

These features are nowhere taught or suggested in Furumiya.

Nagata is cited to allegedly show other features and do not remedy the deficiencies in Furumiya.

Accordingly, it is respectfully submitted that independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-10, 12-13, 15-18, 20-21, 23-24, 26, 28, 30 and 32 should also be allowed at least based on their dependence from independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to

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submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
October 22, 2007

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101